

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF AUGUST 20, 2013

PLANNING COMMISSION
MINUTES OF JULY 16, 2013
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Postema, Spencer, Weller

MEMBERS ABSENT: Micele, Woodruff

STAFF PRESENT: Cochran, City Planner
Rynbrandt, Director of Community Services
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM. Woodruff was previously excused from the meeting due to military leave.

Motion by Hegyi, supported by Postema, to excuse Micele. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of June 18, 2013 were approved as written.

APPROVAL OF AGENDA

Chair Spencer recommended the Election of Officers be held after Informational Items. The agenda was approved as revised.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to amend Zoning Code Section 90-2 Definitions "A", Section 90-472 Special Use Approval I-1 Light Industrial District, Section 90-507 Special Use Approval I-2 General Industrial District, Section 90-542 Special Use Approval I-3 Restricted Industrial District and Section 90-371 Principal Permitted Uses B-2 General Business District to establish a definition and districts permitted for an athletic training facility. (Wyoming Planning Department)

Cochran noted on June 18, 2013 the Planning Commission considered and approved two site plans for the construction of new athletic training facilities. The first request was for Elite Training, a baseball and softball training facility to be located on Clyde Park Avenue in a B-2 General Business District. Elite Training is a permitted use in that zoning district. They will be relocating from an Industrial zoned facility in Grand Rapids. The second request was by For the Kids Gymnastics, who desire a new and larger facility on Gezon Parkway near their existing location on Burlingame Avenue. Both the Gezon Parkway and Burlingame Avenue properties are zoned I-3 Restricted Industrial, which does not allow athletic training facilities. In granting the site plan approval, it was recognized that the building met the requirements for an industrial structure. It is the potential use of that structure which would require either a use variance or an accommodating ordinance amendment. For the Kids Gymnastics was granted a use variance by the Board of Zoning Appeals in June 2005 to occupy their current site.

The granting of the use variance to For the Kids Gymnastics was not unprecedented. Prior to that decision, the BZA had granted use variances for other indoor athletic facilities. In October 2002, Powerhouse Gymnasium was granted a use variance to occupy an industrial building at 1701 Porter Street. In addition, in November 2003, a baseball and softball training facility was granted a use variance to occupy an existing industrial building at 5770 Clay Avenue. In all three of the use variance requests the recurring message was that with but a few exceptions, commercial buildings do not have the high ceilings with wide and unobstructed floor spaces necessary to accommodate the requirements for an athletic training facility.

Staff believes the allowance for athletic training facilities in the Industrial districts is reasonable. Many of our current industrial buildings are marginal for reuse for manufacturing given today's strict processes. Also, the athletic training facilities could effectively serve as temporary uses on some properties until a higher industrial use of the property can be obtained.

Currently, the Zoning Code allows athletic training facilities as a permitted use in the B-2 General Business district under Section 90-371 (5) "Physical culture facilities, such as gymnasiums and reducing salons." Staff proposes to amend the Zoning Code to allow athletic training facilities in the Industrial districts by Special Use Approval from the Planning Commission and continue to allow the use by-right in the B-2 district. As such, these uses would also be permissible by Special Use approval in the B-3 Planned Business district. A new definition for an athletic training facility is also recommended to specifically distinguish team and program oriented operations from the more casual recreational facilities typically found in commercial districts.

Proposed Ordinance Amendments:

1. Section 90-2 Definitions "A" - Athletic training facility:

A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This use includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include

weight rooms, classrooms and meeting space. Activities may include training sessions, practices and competitive events.

2. Section 90-472 Special Use Approval I-1 Light Industrial District)

(6) Athletic training facility.

3. Section 90-507 Special Use Approval I-2 General Industrial District

(11) Athletic training facility.

4. Section 90-542 Special Use Approval I-3 Restricted Industrial District

(3) Athletic training facility.

5. Section 90-371 Principal Permitted Uses B-2 General Business District

(22) Athletic training facility.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Section 90-2 Definitions "A", Section 90-472 Special Use Approval I-1 Light Industrial District, Section 90-507 Special Use Approval I-2 General Industrial District, Section 90-542 Special Use Approval I-3 Restricted Industrial District and Section 90-371 Principal Permitted Uses B-2 General Business District to establish a definition and districts permitted for an athletic training facility.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Hegyi, supported by Goodheart, to recommend to the City Council the subject Zoning Code amendments. Motion carried unanimously.

AGENDA ITEM NO. 2

Request to amend Zoning Code Section 90-61(2) Vision clearance corner to increase the permitted height. (Wyoming Planning Department)

Cochran noted in late 2011, the Zoning Code was amended to allow solid fences in front yard areas to be up to 36 inches in height above the ground level. Previously, such fences were limited to a maximum of 30 inches and had resulted in numerous variance requests to the Board of Zoning Appeals. Subsequently, it has been identified that Zoning Code Section 90-61 (2) (Vision clearance corner) should also be considered for amendment. That provision states that in a vision clearance corner "any shrubbery, structure, wall, fence, sign or other device shall not exceed 2 ½ feet in height above the adjoining street level." A vision clearance corner is a triangle at the intersection of two streets where adequate visibility of on-coming traffic, bicyclists, and

pedestrians must be maintained. Since solid fences are now permitted to a height of 36 inches, it is reasonable to allow other plantings and objects to also be of this height. Staff is comfortable that the additional six inches in height will not create any increased visibility concerns.

Proposed Ordinance Amendment:

Note – amended ordinance language emphasized in **bold**.

Section 90-61 Vision clearance corner.

(2) Within the vision clearance corner, the following shall apply. Any shrubbery, structure, wall, fence, sign or other device shall not exceed **36 inches in height above the ground level**. A sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level. Tree branches shall be a minimum of ten feet above the adjoining street level within the vision clearance corner.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-61 (2) Vision clearance corner.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Arnoys, supported by Goodheart, to recommend to the City Council the subject Zoning Code amendment to Section 90-61(2) Vision clearance corner. Motion carried unanimously.

AGENDA ITEM NO. 3

Request to amend Zoning Code Section 90-796(3) Clear vision area, Section 90-798(5) Illumination of signs in residential districts, Section 90-799(2)(d) Directional signs, Table 90-799-2 Secondary sign requirements – nonresidential districts, and Table 90-799-4 Temporary signs – nonresidential districts to establish new signage requirements.
(Wyoming Planning Department)

Cochran noted in May 2010, the signage provisions of the Zoning Code were substantially amended. In administering the ordinance requirements staff has become aware of a few references, contradictions and applications which we believe should be changed to improve the Code. The proposed amendments are generally minor and do not substantially alter the recommendations of the Sign Committee and Planning Commission from 2010.

The proposed amendments are as follows:

1. Section 90-796 (3) Clear vision area.

This amendment would properly cross reference to Section 90-61 (instead of Section 90-37) regarding height limitations of signs in clear vision areas.

2. Section 90-798 (5) Illumination of signs in residential districts.

This amendment would remove “(a) Signs permitted in residential districts may be front lit only illuminated, unless otherwise prohibited.” Churches, schools and public buildings in residential districts may have ground signs of up to 60 sq. ft. Moveable (LED) images are permitted by right for up to 40% of the sign area. This amendment would eliminate the contradiction within the Code. The provision under (b) would remain that prohibits signs for home occupations from being illuminated.

3. Section 90-799 (2) (d) Directional signs.

Zoning Code Table 90-799-2 Secondary sign requirements - nonresidential districts properly restricts directional signs to a 6 sq. ft. area and a 3 foot height limit. The text under Section 90-799 (2) (d) properly identifies the area limit, but states that a 4 foot height limit is allowable. This amendment would strike the sentence “ No directional sign may exceed six square feet.” Also, the phrase “may not exceed four feet in height and” would be removed. This will remove both the area and height statement from the text, leaving the requirements within the Table. A minor change replacing the word “triangle” with “area” also occurs in reference to clear vision areas. This amendment would eliminate the contradictions within the Code.

4. Table 90-799-2 Secondary sign requirements – nonresidential districts.

The Code prohibits moving image signs from the B-1 Local Business and RO-1 Restricted Office Districts. Moving image signs are allowed in all other business zoned districts of the City. Business owners in the B-1 and RO-1 districts have inquired to allow moving images to enhance their messaging. Both districts are generally those transitional areas adjacent to neighborhoods. The residential districts allow moving image signs for schools, churches and public buildings. This amendment would allow moving image signs in the B-1 and RO-1 districts, the same as in all other business districts.

5. Table 90-799-4 Temporary signs - nonresidential districts.

The Code requires a permit for construction signs. Temporary signs are generally administered with a weekly fee connected to the permit. Construction signs for large projects may be up for more than a year. Permits are required for all permanent signs. Staff suggests allowing construction signs to be placed without permit, but still regulated as to size, location and duration. This was the historical practice in the City prior to the recent amendments.

Proposed Ordinance Amendments:

Note – added ordinance language emphasized in **bold**.

1. Section 90-796 (3) Clear vision area.

No sign shall be located within, project into, or overhang the clear vision area as required in section **90-61**; provided a pole sign with a post no larger than one foot in diameter shall be allowed if no part of the sign is lower than ten feet from the adjoining street level.

2. Section 90-798 (5) Illumination of signs in residential districts: Signs for home occupations may not be illuminated.

3. Section 90-799 (2) (d) Directional signs: Directional signs are permitted as necessary to direct the public to entrances and exits, parking areas and activity areas, as approved on the required site plans. A freestanding directional sign shall not be located within the clear vision **area**.

4. Table 90-799-2 Secondary sign requirements-nonresidential districts.

	<u>B-1</u>	<u>RO-1</u>
Moving image sign as a part of a wall, pole or ground sign	P	P
Maximum number per lot	1	1

5. Table 90-799-4 Temporary signs – nonresidential districts.

	<u>Permit Required</u>
Construction sign	N

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Sections 90-796 (3) Clear vision area, Section 90-798 (5) Illumination of signs in residential districts, Section 90-799 (2) (d) Directional signs, Table 90-799-2 Secondary sign requirements – nonresidential districts and Table 90-799-4 Temporary signs – nonresidential districts.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Bueche, supported by Hegyi, to recommend to the City Council the subject Zoning Code amendments. Discussion followed.

Postema asked, since changeable image signs were approved, have there been any problems with drivers becoming distracted or accidents caused by these types of signs? Cochran replied, on a city-wide scale, it is not an issue. City Inspectors use a nit meter to monitor the image intensity. He was not aware of any traffic accident reports related to changeable image signs.

A vote on the motion carried unanimously.

INFORMATIONAL ITEMS

Cochran noted the Form Based Code Steering Committee will be meeting next Tuesday. The final draft of the Form Based Code has been completed and will be reviewed by the Committee. It will be rolled out to the public soon and focus meetings with major stakeholders will be held. Chair Spencer said she was very impressed with the finished product.

ELECTION OF OFFICERS

Chair Spencer opened the nominations for the position of Chair. Hegyi nominated Spencer. Spencer accepted the nomination. There were no other nominations and the nominations were closed. The nomination stood and Spencer was elected for the position of Chair.

Chair Spencer opened the nominations for the position of Vice-Chair. Hegyi nominated Postema. Postema accepted the nomination. There were no other nominations and the nominations were closed. The nomination stood and Postema was elected for the position of Vice-Chair.

Hegyi asked if Woodruff was contacted about his interest in being re-elected for the position of Secretary. Lucar indicated she had contacted City Clerk Isakson, and she advised that Woodruff does not have to be present at the meeting or give his prior consent to accept a nomination.

Chair Spencer opened the nominations for the position of Secretary. Arnoys nominated Woodruff. There were no other nominations and the nominations were closed. The nomination stood and Woodruff was elected for the position of Secretary.

PUBLIC COMMENT

There was no public comment.

Bueche indicated he contacted the engineer for the previous Speedway project proposal regarding the location of the property corners, but he has not heard back from him yet.

Cochran noted there will be at least three substantial projects coming before the Commission next month.

ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

William Hegyi, Interim Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission